LEGAL NOTICE

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. FOSTER & KLEISER COMPANY, GEORGE W. KLEISER, WALTER F. FOSTER, AUGUST F. LAUSEN, JR. and RESTOP REALTY COMPANY, Defendants.) R-31-M) NOTICE

TAKE NOTICE that Metromedia, Inc. ("Metromedia") has filed a motion for an order terminating the Final Decree in this action which was entered on March 13, 1931. The plaintiff, the United States of America, has consented to the entry of such an order, but has reserved the right to withdraw its consent for at least seventy (70) days after the publication of this Notice.

The Petition in Equity in this action, which was dated April 16, 1930, alleged that defendants combined and conspired to restrain and monopolize interstate trade and commerce in outdoor advertising in California, Arizona, Oregon and Washington ("the four-state area"). The Final Decree enjoined defendants from monopolizing or attempting to monopolize outdoor advertising in the four-state area. In particular, the Final Decree prohibited defendants in the four-state area from:

1. Acquiring the assets, affairs or business and from receiving, holding or voting the stock or other share capital of any competitors;

2. Formulating, adopting and practicing the policy of interfering with competitors for the purpose of preventing them from carrying on lawful businesses;

3. Formulating, adopting and practicing the policy of contracting with advertisers for displays of outdoor advertising at unfair or discriminatory prices and unfair or discriminatory terms and conditions;

4. Knowingly inducing or attempting to induce customers of competitors to breach contracts by changing and reducing bids for the display of outdoor advertising below the prices charged by defendants or their competitors;

5. Knowingly making false and unfair statements regarding the business, business standing, credit and intergrity of competitors;

6. Granting preference, priorities, rebates and discriminations in prices and terms of contracts in favor of certain advertisers for the purpose of preventing competition;

7. Giving free display of outdoor advertising for the purpose of preventing competition;

8. Compelling or attempting to compel owners of outdoor advertising structures to sell structures on such terms as may be determined and dictated by defendants by threats that outdoor structures will be constructed and operated in competition thereto; and

9. Paying any soliciting agency any higher rate of commission on contracts for outdoor advertising awarded to defendants for the purpose of inducing an award of contracts.

Interested persons may submit comments concerning this matter by sending them to P. Terry Lubeck, Assistant Chief, Intellectual Property Section, Antitrust Division, Department of Justice, 21 12th Street, N.W., Washington, D.C. 20530 (telephone: 202/724-7974). Such comments must be received by the Division within sixty (60) days.

Copies of the complaint, Final Decree, motion papers, all comments submitted and all further papers filed with the Court will be available for inspection at the Legal Procedure Unit of the Antitrust Division, Room 7416, United States Department of Justice, Tenth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530 (Telephone: 202/633-2481), and at the office of the Clerk of the Clerk of the United States District Court for the Central District of California, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012. Copies of any of these materials may be obtained from the Legal Procedure Unit upon request and payment of the copying fee set by Department of Justice regulations.

Newspaper ad spending up in Aug.

NEW YORK—Advertising spending in major daily newspapers skyrocketed in August, with gains in 13 of the 16 categories measured for ADVERTISING AGE by Media Records Inc.

The department stores category, the medium's largest advertiser, was up 24.4% to $81.26 million, a gain of $16 million over the year-earlier period.

Food stores were up 9.1% to $25.9 million; radio, tv, phonographs, records were up 34.8% to $14.5 million; alcoholic beverages were up 35.2% to $2.1 million; airlines were up 23.9% to $7.5 million; new passenger cars were up 32.1% to $10.03 million; publishing and media were up 45.7% to $8.03 million, and cigarets were up 53% to $5.35 million.

Among the smaller categories, soft drinks/diet and nondiet were up 1.5% to $390,674; sporting and leisure-time equipment was up 48% to $242,476; cosmetics, makeup, manicure products were up 40.8% to $368,862; soaps, cleansers, polishes were up 147.2% to $508,324, and headache remedies and sedatives registered $565,978 against no activity in August, 1983.

Losing categories included cameras, photo supplies & services, down 4.9% to $661,862; beverages/coffee and tea, down 64.2% to $96,869, and cold, cough and sinus remedies, which showed no activity this August.#

FLASH REPORT: Newspaper advertising investment for August

August 1984 CATEGORIES	YEAR	DOLLARS 1984	DOLLARS 1983	CHANGE ACTUAL $ GAIN/LOSS	CHANGE % GAIN/LOSS
Department stores	1984	$81,262,042	$65,301,037	+15,961,005	+24.4
	1983				
Food stores	1984	25,961,924	23,797,258	+2,164,666	+9.1
	1983				
Radio, tv, phonographs, records	1984	14,485,818	10,734,078	+3,751,740	+34.8
	1983				
Alcoholic beverages	1984	2,146,702	1,587,642	+559,060	+35.2
	1983				
Cameras, photo supplies & services	1984	661,862	695,837	−33,975	−4.9
	1983				
Beverages: coffee and tea	1984	96,869	270,839	−173,969	−64.2
	1983				
Beverages: soft drinks, diet/non diet	1984	390,674	384,917	+5,757	+1.5
	1983				
Soaps, cleansers & polishes	1984	508,324	205,618	+302,706	+147.2
	1983				
Cold, cough & sinus remedies	1984	0	108	−108	100.0
	1983				
Headache remedies & sedatives	1984	565,978	0	+565,978	++
	1983				
Publishing & media	1984	8,036,374	5,517,255	+2,519,119	+45.7
	1983				
Sporting & Leisure time equipment	1984	242,476	163,832	+78,644	+48.0
	1983				
Cigarettes	1984	5,354,048	3,499,055	+1,854,993	+53.0
	1983				
Cosmetics, makeup & manicure products	1984	368,862	261,913	+106,949	+40.8
	1983				
Airlines	1984	7,523,576	6,074,294	+1,449,282	+23.9
	1983				
Passenger cars-new	1984	10,037,910	7,599,116	+2,438,794	+32.1
	1983				

IN 100 THOUSANDS IN MILLIONS

This Flash Report of newspaper advertiser investment, compiled for Advertising Age by Media Records, is derived from tabulations that cover 35 dailies and 24 Sunday editions in 15 cities: Atlanta, Baltimore, Boston, Charlotte, Chicago, Cleveland, Dallas, Denver, Detroit, Los Angeles, New York, Philadelphia, San Francisco, Washington and Youngstown.#

Source: Media Records Inc.

Plaque fighters keep pushing

By LAURIE FREEMAN

Marketers of toothpastes said to fight plaque continue to enter the $1 billion dentifrice market despite the lack of regulatory action on the part of the American Dental Assn. and the Food & Drug Administration.

To date, neither the ADA, through its voluntary "seal of acceptance" review, nor the FDA has released scientific or legal standards for the evaluation of these plaque-fighting dentifrices (AA, March 19).

Instead of waiting at least another six months for the ADA's Council of Dental Therapeutics approval, Vipont Laboratories, Fort Collins, Colo., has asked dentists and dental hygienists to recommend plaque-fighting Viadent toothpaste and mouth rinse.

The small company will start a $1 million national direct-mail public relations campaign later this month to educate the dental community about Viadent's benefits. The Public Relations Board, Chicago, handles the campaign.

It is not unusual for pharmaceutical marketers to introduce their products through the dental and medical communities. These "sampling" activities are not regulated by professional organizations such as the ADA and the American Medical Assn.

Appearing in distinctive purple-and-gold packaging, Viadent is certainly the most expensive of the generally higher-price antiplaque formulas. A 3-oz. tube retails up to $3.49 at some drugstores, while its main competitor, Minnetonka's Check-up, is priced a full dollar less, at $2.49 for its larger, pump-dispensed 4.1-oz tube.

Zendiaum toothpaste, a plaque-fighter marketed by Cooper Laboratories, Palo Alto, Cal., features "a unique dual-enzyme system, to keep teeth cleaner and prevent deposit buildup," according to its package labeling. It retails for $2.49 for a 2.3-oz. tube.

"Viadent costs more because of its main ingredient, sanguinarine," said Lawrence Frederick, Vipont president. Sanguinarine is a chemical derived from the bloodroot plant, said an industry source. According to some clinical studies conducted by Vipont, Viadent is effective in plaque reduction and removal.

Plaque is the product of bacteria in the mouth. It creates a dull, rough buildup on teeth that can lead to gum diseases.#

Europe Craft wins lawsuit

LOS ANGELES—Europe Craft Imports, marketer of Members Only clothing, has been awarded more than $73,000 by a federal district court here in a judgment against Sam Kotler.

Mr. Kotler was convicted of forging the signature of a Europe Craft officer on a licensing agreement that the defendant then used to set up a manufacturing and sales organization to duplicate and sell the Members Only racing jacket in the U.S.#

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